

Tupper|Mack|Wells PLLC

2025 First Avenue, Suite 1100

Seattle, WA 98121

Phone (206) 493-2300 Fax (206) 493-2310

www.tmw-law.com

CARA KADOSHIMA VALLIER

(206) 493-2304

vallier@tmw-law.com

May 4, 2016

Via U.S. Mail and Email

Email: r10.foia@epa.gov

Regional Freedom of Information Officer

U.S. EPA, Region 10

Office of External Affairs

1200 6th Avenue (CEC-142)

Seattle, WA 98101

RE: FOIA Request

To the Regional Freedom of Information Officer for EPA Region 10:

This letter constitutes a Freedom of Information Act (FOIA) on behalf of Save Family Farming, a non-profit corporation representing farmers and the agricultural industry in Washington. As set forth in more detail below, Save Family Farming requests that EPA waive and fees or costs associated with responding to this request. Please contact James Tupper at tupper@tmw-law.com before processing this request for documents and request for waiver of FOIA fees if EPA needs any additional information about the adequacy of fee waiver obligations.

This request is for each and every request for fee waivers by or on behalf of Andrea Rogers, Western Environmental Law Center, and the law office of Charles Tebbutt and each and every written decision to waive, or not waive, fees for FOIA requests made by EPA on those requests from and after January 1, 2012.

Save Family Farming requests a waiver or reduction of fees with this request pursuant to 40 CFR § 2.107(1)(5) and 40 C.F.R. § 2.107(1). Save Family Farming meets all of the factors EPA considers in a request to waive fees associated with a FOIA request. Save Family Farming is a non-profit organization representing farmers, and consisting of farmers, farm supporters, environmentalists and concerned citizens who want to save family farming. The organization helps the public understand that farmers care, that the vast majority of farmers are responsible stewards of the environment and our water. Farmers are highly regulated but

May 4, 2016
Page 2

many go far beyond the regulations to help restore streams and rivers, fish habitat and wildlife habitats.


The subject of the requested documents concerns the operations of the Government, i.e. the Environmental Protection Agency. The disclosure of the documents is likely to contribute to an understanding of government operations and the agency's activities around policy. The contribution to understanding will be for members of Save Family Farming and the public generally through an ongoing current communications effort on the website savefamilyfarming.org, as the documents are received, they will be posted to the website. This is likely to be a significant contribution to public knowledge that heretofore only received misinformation through social media, transportation ads, billboards and other efforts funded by the EPA grant. Save Family Farming has no direct commercial interest in the requested information beyond the fact that influencing public opinion negatively with misinformation can lead to costly and unnecessary legislation that may have a substantial impact on water quality and land use compliance for the association's members. In this instance the public's interest in access to the requested information outweighs any commercial interest.

The purpose of this request is provide public access and transparency to EPA funded efforts to promote legislative or initiative actions regulating agricultural practices in the state of Washington. Save Family Farming intends to share information obtained in response to this request on its web site savefamilyfarming.org, with opinion leaders and elected officials and with the media including newspapers and online news sites. Save Family Farming's specific plan to provide public access to your response to this FOIA request is to (1) provide immediate access and links to the relevant documents on its website, (2) to provide alerts to its members and the agricultural community of the availability of the documents, (3) to provide an analysis of the documents, (4) to provide links and information about any media coverage of the documents, and (5) to provide elected officials access to and information about the documents. The specific approach of Save Family Farming to provide access and information about public records is illustrated on its website.

If possible, we would like to receive copies of the requested records in electronic format. If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release information. Thank you in advance for your assistance with this request. Please do not hesitate to contact me with any questions.

Sincerely,

TUPPER MACK WELLS PLLC


CARA KADOSHIMA VALLIER